

Nonconforming Uses and Developments

CITY OF GRESHAM
1333 NW Eastman Parkway
Gresham, Oregon 97030-3825



Purpose:

To permit nonconforming uses and developments to continue until they are removed, but not to encourage their perpetuation.

Applicability:

Any land use or development that was in place prior to a zone change or development code amendment that prohibited the use or development in its current location. Additionally, some uses or developments may be permitted in their current location, but aspects of the use or development do not meet current code standards. Common examples of this are: vehicle or bicycle parking areas that are above or below the required spaces needed for the use, or site landscaping that does not meet the minimum site landscaping requirements.

Procedures:

Depending on the type of non-conforming situation, a Type I, Type II or Type III land use review may be needed to enlarge, move, replace or establish a non-conforming use or development. A building permit, in lieu of a land use permit approval, can sometimes suffice for minor upgrades that bring a site closer to compliance with current development code standards or for most expansions to single family and duplex dwellings.

Refer to Section 8.0200 for applicable standards and/or criteria involving nonconforming uses and developments. These will need to be addressed as part of the Application Narrative.

Submittal Requirements: If a land use application is needed to enlarge, move, replace or establish a non-conforming use or development, under the provisions of Gresham Community Development Code (GCDC) section 8.0200, the applicant must submit the following¹:

- ☐ One copy of a development permit **application**
- ☐ For ownership verification, submit one copy of the most recent **deed or title report** for all involved properties.
- ☐ The required **fee**.²
- ☐ Submit 5 copies of a **narrative** using the Application narrative at :
 - ☐ Detailed description of the proposal.
 - ☐ Describe how the proposal will comply with each of the applicable approval criteria listed in GCDC 8.0200. *Please note that it is the applicant's responsibility to provide adequate information demonstrating how the project satisfies the applicable approval criteria.*
- ☐ Submit 5 copies of any additional materials or documents required by the applicable section of GCDC 8.0200 or any other document that would aid the decision making process.³

¹ Permit Techs: Counter completeness includes submittal of the correct number of copies of each bolded item listed under the 'Submittal Requirements' heading. If these items are not included in the application submittal, the application should not be accepted by the City.

² Contact the Planner on Duty at 503-618-2780 or pod@ci.gresham.or.us for current fee.

³ It is recommended that the applicant discuss the proposal with the planner-on-duty prior to submittal of the application. The planner may suggest additional useful materials that the applicant should submit with their application.